IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15369 of 2004

Between:

G.Thirupathi, S/o.G.Odelu, R/o.H.No.21-68, Ramakrishnapuram Road,
Mancherial, Adilabad.

..... PETITIONER

AND

The Secretary, Regional Transport Authority, Cum Regional Transport officer,
Mancherial, Adilabad Dist.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in nature of writ of Mandamus directing the respondent to release the omni Bus bearing No.MH 22/B 7250 and consequently declare the vehicle check Report No.1053512 dt.9-6-2004 as bad in law and illegal and issued under colorable exercise of power.

Counsel for the Petitioner:MR.B.SUDHAKAR REDDY.

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court at admission stage, made the following :

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ORDER : (per Sri Bilal Nazki, J)

Heard learned Counsel for the parties.

Learned Counsel for petitioner submits that in the Check Report, two allegations were levelled against the petitioner that he had not paid the tax and he was running the vehicle as a stage carrier. He submits that after the Check Report, he has deposited the whole tax due.

After hearing Counsel for both the parties and with their consent to dispose of the matter at this stage, we allow the Writ Petition to the extent of directing that the petitioner's vehicle be restored to the petitioner if he has paid all the tax due. With regard to the allegations of mis-using the permit, the respondent shall pass appropriate orders after due enquiry. In the meantime, the petitioner shall also not alienate the vehicle or create any third party interest in the vehicle.

Writ Petition is accordingly partly allowed. No costs.

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(BILAL NAZKI, J)

30th August, 2004.

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(S.ANANDA REDDY, J)

N.B.:-

C.C. by tomorrow.

(B/o)

ajr

To

1 The Secretary, Regional Transport Authority, Cum Regional Transport m officer, Mancherial, Adilabad Dist.

2 Two C.Cs. to the Govt. Pleader for Transport, High Court Buildings, Hyderabad (O.U.T)

3 Two C.D. copies.